

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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11 PROSURANCE GROUP, INC., a Delaware corporation,) Case No.: 10-CV-02600-LHK
12 Plaintiff,) ORDER DENYING WITHOUT
13 v.) PREJUDICE PLAINTIFF'S MOTION TO
14 LIBERTY MUTUAL GROUP, INC., et al,) DISMISS
15 Defendants.)
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17 On April 4, 2011, Plaintiff Prosurance Group, Inc. requested dismissal pursuant to Federal
18 Rule of Civil Procedure 41(a)(1)(B). Dkt. No. 33. Rule 41(a)(1)(B) governs the effect of dismissal
19 pursuant to Rule 41(a)(1)(A): "Unless the notice or stipulation states otherwise, the dismissal is
20 without prejudice." Under Rule 41(a)(1)(A), there are two situations in which a plaintiff may
21 dismiss an action without a court order: (1) the plaintiff files "a notice of dismissal before the
22 opposing party serves either an answer or a motion for summary judgment" or (2) the plaintiff files
23 "a stipulation of dismissal signed by all parties who have appeared."

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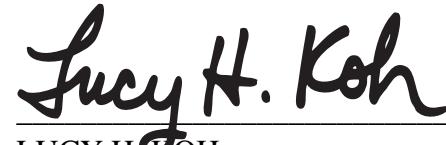
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1 Neither situation described in Rule 41(a)(1)(A) is present here. The Court requests that the
2 parties file a stipulation pursuant to Rule 41(a)(1)(A)(ii) by Friday, April 8, 2011.

3 **IT IS SO ORDERED.**

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5 Dated: April 4, 2011
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LUCY H. KOH
United States District Judge